

Brian J. Stretch (State Bar No. 163973)  
United States Attorney  
Barbara J. Valliere (DCBN 439353)  
Chief, Criminal Division  
John H. Hemann (State Bar No. 165823)  
Assistant United States Attorney  
450 Golden Gate Avenue, Box 36055  
San Francisco, CA 94102  
Telephone: (415) 436-7478  
Fax: (415) 436-7234  
John.Hemann@usdoj.gov

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

William P. Keane (State Bar No. 124756)  
wkeane@fbm.com  
Nell K. Clement (State Bar No. 260426)  
nclement@fbm.com  
Farella Braun + Martel LLP  
235 Montgomery Street, 17th Floor  
San Francisco, CA 94104  
Telephone: (415) 954-4400  
Facsimile: (415) 954-4480

Lyn R. Agre (State Bar No. 178218)  
lagre@kasowitz.com  
Kasowitz, Benson, Torres & Friedman LLP  
101 California Street, Suite 2300  
San Francisco, CA 94111  
Telephone: (415) 421-6140  
Facsimile: (415) 398-5030

Attorneys for Defendant  
DISCOVERY SALES, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
DISCOVERY SALES, INC.,  
  
Defendant.

Case No. CR16-00199 YGR

**STIPULATION AND [PROPOSED]  
ORDER**

Date: October 27, 2016  
Time: 10:00 a.m.  
Judge: Hon. Yvonne Gonzalez Rogers  
Courtroom: 1, Fourth Floor

Plaintiff UNITED STATES OF AMERICA and defendant DISCOVERY SALES, INC.  
("DSI"), by and through their counsel, hereby stipulate as follows:

1. On June 3, DSI was arraigned on a one-count Information alleging a violation of  
18 U.S.C. § 1344. The United States and DSI appeared before this Court later that day for a

1 change of plea and proposed sentencing pursuant to a plea agreement under Federal Rule of  
2 Criminal Procedure 11(c)(1)(C).

3 2. At the hearing on June 3, 2016 regarding the parties' proposed plea agreement, this  
4 Court set a further hearing on July 22, 2016.

5 3. On July 5, 2016, a criminal complaint signed by U.S. Magistrate Judge Donna M.  
6 Ryu charged the owner and president of defendant DSI, Albert Seeno III, with violation of 18  
7 U.S.C. § 1513(b). Mr. Seeno appeared in court on July 7, 2016 and was released on bond.

8 4. At the request of the parties and by order filed on July 14, 2016, this Court vacated  
9 the July 22, 2016 hearing on the plea agreement and set a status conference for August 25, 2016,  
10 with a joint status conference statement to be filed by August 18, 2016.

11 5. Subsequently, Mr. Seeno's scheduled appearance before the U.S. Magistrate Judge  
12 for preliminary hearing or arraignment was continued by stipulation and order to September 8,  
13 2016. Following that schedule change, this Court, at the parties' request, continued the August 5,  
14 2016 status conference in this matter to October 6, 2016, with a joint status conference statement  
15 to be filed by September 29, 2016.

16 6. Mr. Seeno's scheduled appearance before the U.S. Magistrate Judge for  
17 preliminary hearing or arraignment has again been continued by stipulation and order to October  
18 11, 2016.

19 7. As a result of this schedule change, the parties require additional time for further  
20 consideration of the proposed plea agreement.

21 8. Accordingly, the parties hereby stipulate and request that this Court continue the  
22 October 6, 2016 status conference **to October 27, 2016 at 10:00 a.m.**, with a joint status  
23 **statement to be filed on or before October 20, 2016.**

24 9. The parties further request that time under the Speedy Trial Act be excluded  
25 pursuant to 18 U.S.C. § 3161(h)(G) (consideration of a pending plea agreement) and 18 U.S.C.  
26 § 3161(h)(7)(A) and (B) (interests of justice). As to the latter, the parties agree that the ends of  
27 justice served by a continuance outweigh the best interests of the public and the defendant in a  
28

1 speedy trial. Specifically, the above-described development necessitates additional attention from  
2 defense counsel such that without a continuance defendant DSI would be denied the reasonable  
3 time necessary for effective preparation.  
4

5 Dated: September 29, 2016

BRIAN J. STRETCH  
United States Attorney

6  
7 By: /s/ John H. Hemann  
8 John H. Hemann  
9 Assistant United States Attorney

10 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

11 Dated: September 29, 2016

FARELLA BRAUN + MARTEL LLP

12  
13 By: /s/ William P. Keane  
14 William P. Keane

15 Attorneys for Defendant  
16 DISCOVERY SALES, INC.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**~~PROPOSED~~ ORDER**


Based on the foregoing, and good cause appearing:

IT IS HEREBY ORDERED that the status conference set for October 6, 2016 at 9:30 a.m. is continued to **October 27, 2016 at 10:00 a.m.** The parties will file a joint status conference statement no later than **October 20, 2016.**

For the reasons stated above, the Court hereby finds the exclusion of time from October 6, 2016 through and including October 27, 2016 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The failure to grant the requested continuance would deny the defendant effective preparation of counsel and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: October 3, 2016

  
HON. YVONNE GONZALEZ ROGERS  
United States District Court Judge